

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Christopher Nunnery**

**Docket No. 5:10-MJ-1502-1**

**Petition for Action on Probation**

COMES NOW Eddie J. Smith, probation officer of the court, presenting a petition for modification of the Judgment of Christopher Nunnery, who, upon an earlier plea of guilty to 21 U.S.C. § 844(a), Simple Possession of Marijuana, was sentenced by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge, on March 6, 2012, to a 12-month term of probation under the standard conditions adopted by the court and the following additional condition:

The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

The defendant tested positive for marijuana on April 17, 2012. When confronted with the results, the defendant acknowledged his use of marijuana prior to the test. Additionally, he admitted to last using marijuana on or about April 20, 2012. Since being placed on this term of probation, the defendant has been enrolled in substance abuse counseling and the surprise urinalysis program. Despite these efforts, the defendant has continued to use marijuana. It is worth noting that the defendant initially was placed on probation as provided in 18 U.S.C. § 3607. That term of probation was revoked due to marijuana use. As a result of this most recent use, we are recommending that the defendant be required to serve three days in jail. We are hoping that exposing the defendant to jail will deter him from using drugs.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

The defendant shall be confined in the custody of the Bureau of Prisons for a period of 3 days, as arranged by the probation office, and shall abide by all rules and regulations of the designated facility.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

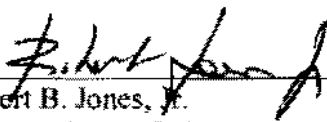
I declare under penalty of perjury that the  
foregoing is true and correct.

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

/s/ Eddie J. Smith  
Eddie J. Smith  
U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: May 1, 2012

**ORDER OF COURT**

Considered and ordered this 26 day of May, 2012, and ordered filed and  
made a part of the records in the above case.

  
Robert B. Jones, Jr.  
U.S. Magistrate Judge